



Tanzania

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The United Republic of Tanzania is a multiparty state led by the President of the mainland, Benjamin Mkapa, who was reelected in the country's second multiparty national elections for president and parliament in 2000. The ruling Chama Cha Mapinduzi (CCM) party made significant gains in its majority in Parliament. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully. The islands of Zanzibar are integrated into the United Republic's governmental and party structure; however, the Zanzibar Government, which has its own president and parliament, exercises considerable autonomy. In October 2000, presidential and parliamentary elections took place in Zanzibar; however, the vote was marred by irregularities, voter intimidation, and politically motivated violence. Votes were cancelled in 16 constituencies, and new votes were held in November 2000. The opposition Civic United Front (CUF) boycotted the revotes in protest. The ruling CCM and the CUF parties engaged in a dialog throughout the year in an attempt to resolve outstanding issues concerning the 2000 elections and the subsequent violence. In October the parties reached an agreement, which is designed to lay the foundation for a multiparty democracy in Zanzibar. The national judiciary is formally independent but is corrupt, inefficient, and subject to executive interference.

The police force has primary responsibility for maintaining law and order. It formerly was supported by citizens' anticrime groups and patrols known as "Sungusungu." The Sungusungu remain active in rural areas, but virtually have disappeared from urban areas. There also are Sungusungu groups composed of refugees in most refugee camps that act as quasi-official security forces. The military is composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) is a division of, and directly controlled by, the national police force. The security forces are under the full control of, and responsive to, the Government. The security forces regularly committed human rights abuses.

Agriculture provides 82 percent of employment for the population of approximately 35 million. Cotton, coffee, cashews, sisal, tea, and gemstones account for most export earnings. The industrial sector is small. Economic reforms undertaken since 1986, including liberalization of agricultural policy, the privatization of state-owned enterprises, the rescheduling of foreign debt payments, and the freeing of the currency exchange rate, helped to stimulate economic growth, as has the decline in the rate of inflation. In 2000 the gross domestic product (GDP) was \$7.45 billion and per capita GDP equaled \$234. The GDP growth rate was 4.9 percent. While the Government has attempted to improve its fiscal management, pervasive corruption constrains economic progress.

The Government's human rights record was poor; while there were improvements in a few areas, there continued to be serious problems, particularly in Zanzibar. Citizens' right to change their government in Zanzibar was circumscribed severely by abuses of and limitations on civil liberties in 2000; however, the Government engaged in a dialog with the opposition in order to ensure a more open and transparent process for the next elections. On October 10, the Government and the CUF agreed to establish a joint commission to investigate reported abuses committed in January in Zanzibar. Police killed several persons, and members of the police regularly threatened, mistreated, or occasionally beat suspected criminals during and after their apprehension and interrogation. There were reports that police used torture in Zanzibar. Prison conditions throughout the country remained harsh and life threatening. Arbitrary arrest and detention and prolonged detention remained problems. Police harassment of members and supporters of the political opposition declined significantly following the October reconciliation agreement between the Government and the opposition. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption continued to have a broad impact on human rights. The Government infringed on citizens' privacy rights and limited freedom of speech and of the press, and freedom of assembly and association. The Government declared that four government and party officials were noncitizens and therefore no longer could

retain their positions. Police used excessive force to disperse demonstrations in Zanzibar and Dar es Salaam in January, which resulted in numerous deaths and injuries; more than 2,000 persons were displaced. In the western part of the country, there remained significant resentment and hostility directed against the refugee population; however, there was some improvement in relations due to government and donor outreach efforts with the local population. In previous years, the Government obstructed the formation of domestic human rights groups; however, there were no reports that this occurred during the year. The Government approved a bill to establish a Human Rights Commission; however, the Commission was not established until late in the year, and it did not hear any cases by year's end. The Government created the Tanzania Parliamentarians AIDS Coalition (TAPAC) during the year to address discrimination against persons infected with HIV/AIDS in the country. Violence and discrimination against women and female genital mutilation (FGM) remained serious problems. Women and girls in refugee camps suffered a high level of rape and abuse. Abuse of children and child prostitution were problems. The Government continued to infringe on workers' rights, and child labor persisted. The Government ratified International Labour Organization (ILO) Convention 182 on the worst forms of child labor during the year. Mob justice remained severe and widespread.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Members of the police killed several persons during the year and used excessive force to disperse demonstrations, which resulted in the deaths of numerous demonstrators and bystanders (see Section 2.b.).

On January 26, the day before planned demonstrations were to occur, the police confirmed that its forces in Zanzibar shot and killed one CUF member and injured another during an altercation outside of a mosque. It was not known whether any action was taken against the police. On January 27, police forcibly dispersed demonstrations in Zanzibar and Dar es Salaam; between 24 and 70 persons were killed and a number were detained (see Sections 1.c., 1.d., 1.f., and 2.b.).

Unlike in the previous year, there were no reported deaths due to violence in custody or prison. No investigation or action was taken in the case of a prisoner who died in Moshi Prison in 2000. Although the police denied responsibility, the autopsy showed the victim was beaten badly and possibly strangled. There were no reported deaths in custody during the year.

There were no reports of any investigation or action taken in the May 2000 case in which FFU officers in Iringa were accused of beating a man to death for not paying a "development levy" or the July 2000 case in which police killed a prisoner while he was in remand.

The 1999 case in which members of the Sungusungu killed five persons accused of murdering witches in Shinyanga still was under investigation by local authorities, and no further action was taken by year's end.

No action reportedly was taken against the members of the security forces responsible for the following killings in 1999: The October killing of one civilian in retaliation for a theft; and the February beating to death of a prisoner in detention.

On July 27, 10 persons were killed after violent clashes broke out in Tarime District (in the northwestern part of the country) between members of the Walyanchoka and Waanchari clans (see Section 5).

Instances of mob justice against suspected criminals continued to claim dozens of lives. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves, who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. In previous years, such events were so common that they often were grouped together in newspapers with reporting on car accidents and other mishaps.

The widespread belief in witchcraft led, in some instances, to the killing of alleged witches by their "victims," aggrieved relatives, or mobs; however, the number of such reports decreased during the year. Government officials criticized these practices, and some arrests were made; however, most perpetrators of witch killing or mob justice eluded arrest, and the Government did not take preventive measures during the year.

There was continuing concern over violence allegedly perpetrated by some Burundian and Rwandan refugees, although such violence has diminished since 1999 (see Section 2.d.). In previous years, local officials complained that refugees committed killings and robberies, although there were no such reports during the

year. In a well-publicized case, Burundian refugees were accused of killing a local schoolteacher in 1999 and in a reprisal attack, a group of men raped approximately 50 refugee women.

During the year, a Tanzanian citizen who was accused of bombing the U.S. Embassy in Dar es Salaam on August 7, 1998, was extradited from South Africa to the U.S. for trial, where he was convicted.

During the year, police arrested Augustine Mrema, the Chairman of the Tanzania Labor Party (TLP), and Nshala Rugemeleza, the president of the Lawyers' Environment Action Team (LEAT), in connection with the 1996 case in which as many as 30 local miners may have been buried alive when their mine shafts were filled in after the miners were evicted from the site by Kahama Mining Corporation (see Section 1.d.). The case gained increasing notoriety during the year, and LEAT continued to press the Government for an independent inquiry into the reported killings.

b. Disappearance

There were no reports of politically motivated disappearances.

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents may have allowed the children to be taken with the belief that they would work on plantations (see Section 2.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that police officers in Zanzibar tortured, and members of the police regularly threatened, mistreated, or occasionally beat suspected criminals during and after their apprehension and interrogation. Police also used the same means to obtain information about suspects from family members not in custody (see Section 1.f.). Police and security forces used beatings, tear gas, and other forms of physical abuse regularly to disperse large gatherings and as a form of public punishment (see Section 2.b.). Although government officials usually criticize these practices, the Government seldom prosecutes police for these abuses.

Incidents of police brutality continued to occur during the year. Repeated reports indicate that the police used torture, including beatings and floggings, in Zanzibar, notably on the island of Pemba. In January and February in Pemba, credible reports indicated that police brutality, including beatings and rape, was widespread when the police used force to disperse political demonstrators (see Section 2.b.). In 2000 there were numerous reports that police randomly beat pedestrians, bicyclists, and automobile drivers whom they had stopped at intersections; however, there were no such reports during the year.

On August 1, the Inspector General of Police announced the dismissal of five police officers in Pemba, reportedly for "a gross lack of discipline."

On August 24, 27 persons were injured after a demonstration by Muslim protesters turned violent, and police used tear gas to disperse the protesters (see Sections 2.b. and 2.c.).

No investigation was made nor action taken against the members of the security forces responsible for torturing, beating, or otherwise abusing persons in the following cases from 2000: The November beating and reported torture of opposition officials in Zanzibar; the November case in which police reportedly broke the jaw of a detainee; the November beating of several CUF officials in Stone Town in Zanzibar; the October injuring of several arrested persons in Pemba; the October beatings and use of tear gas, rubber bullets, and live ammunition against CUF opposition activists in Zanzibar; the October beatings and use of excessive force against both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar; the October beating of Fortunatus Masha, an opposition candidate who was vice-chairman of his party, during an altercation at a ballot counting center over possible ballot rigging in favor of the CCM party; the October beating of a man during a CUF meeting; the October shooting of six CUF supporters; the October beating of a man in custody; the April beatings and police brutality in Stone Town in Zanzibar; the January use of tear gas to disperse riots that began when hundreds of CUF supporters were not allowed to observe the trial of 18 CUF supporters accused of treason (see Section 1.d.); and the beating of persons who violated the 7 p.m. curfew imposed in Wete, Pemba (see Section 2.d.).

Pervasive corruption is a serious problem in the police force (see Section 1.d.). The Government took some steps during the year to discourage and punish such abuses. In June the Inspector General of Police conducted a major reorganization of the police force, which included transfers of police officials throughout the country, including some for suspected misconduct, in order to enable better police performance and fight

corruption in the police force. In November and December, the Inspector General continued to reorganize police commanders at the regional levels. Despite these actions, as well as the activities of the Prevention of Corruption Bureau (a separate and ineffectual arm of the police force tasked with combating police corruption), there were numerous complaints from civil society groups about police corruption during the year. A general lack of trust in the police force and in the court system resulted in a high incidence of mob justice throughout the reporting period. In July in Dar es Salaam, the police force began an internal investigation of a police officer accused of harassing and attempting to bribe a local businessman. The spokesperson for the police force stated that if the officer was found guilty, the police force would take "exemplary" measures; however, no action was taken by year's end.

The People's Militia Laws bestow quasi-legal status on the traditional Sungusungu neighborhood and village anticrime groups. The Sungusungu still exist, particularly in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have additional benefits on par with those given to police officials, including the right to arrest persons. In return members of Sungusungu are expected to be held accountable for any abuses.

As a result of increased criminal activity allegedly perpetrated by some Burundian refugees, there is significant hostility and resentment against Burundian refugees. In 1999 in Kasulu, approximately 50 Burundian refugee women collecting firewood allegedly were attacked and raped by villagers in reprisal for the killing of a local teacher (see Section 2.d.); 11 men were arrested for the rape in 1999. In December 2000, the case was dismissed on a technicality. The police appealed the magistrate's decision to the High Court in Tabora, which overturned the dismissal and remanded the case to the lower court for retrial. The retrial still was pending in Kigoma at year's end.

There was continuing concern over violence allegedly perpetrated by some armed Burundian and Rwandan refugees, although such violence has diminished since 1999. Local officials reported incidents of banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Section 5). Women and girls in refugee camps suffered a high level of rape and abuse (see Sections 2.b. and 5). There were also credible reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees (see Section 2.d.).

In August there were clashes between farmers and Maasai pastoralists in Mangae, Morogoro Region, in which six farmers were injured seriously (see Section 5).

At the end of December, an explosive device detonated in the rest room of a popular bar in Zanzibar Town, which resulted in injuries to four persons; two of the persons were injured seriously. A separate unexploded device was found in the room of an attached guesthouse. Local residents believed that the bar and guesthouse were targeted because they served alcohol and provided prostitutes. No further information was available on the case at year's end.

By year's end, no group had claimed responsibility for the 2000 bomb explosion at a school in Stone Town in Zanzibar that was being used as a polling office for the November 2000 re-run elections (see Section 3).

Prison conditions remained harsh and life threatening. Government officials acknowledged that prisons are overcrowded, and living conditions are poor. The prisons were designed to hold 21,000 persons, but the actual prison population is estimated at 43,000 persons; an estimated 40 percent of this number are remandees. The Government is expanding prisons, but its efforts have not kept pace with the growing number of prisoners. The Government did not release statistics on the prison expansion program or on the exact extent of overcrowding during the year. Some prisoners are paroled or receive suspended sentences as a means of relieving overcrowding. In December President Mkapa granted amnesty to more than 4,000 prisoners as part of the traditional celebration of the anniversary of the country's independence, which also helped to relieve prison overcrowding. The daily amount of food allotted to prisoners is insufficient to meet their nutritional needs, and even this amount is not provided regularly. Convicted prisoners are not allowed to receive food from outside sources and often are moved to different prisons without notification to their families.

Prison dispensaries offer only limited treatment, and friends and family members of prisoners generally must provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, are common and result in numerous deaths. During the year, there were fewer reports that guards beat and abused prisoners. Unlike in the previous year, there were no reports that prisoners were strip-searched in front of other prisoners. Pretrial detainees are held with convicted prisoners but are allowed to receive food from the outside.

In 2000 Amnesty International visited the prison and reported that 18 CUF prisoners who were in prison on treason charges were denied adequate medical treatment while in the Zanzibar Central Prison (see Section

1.d.). However, the International Committee of the Red Cross (ICRC) visited the 18 CUF prisoners and reported that they consistently were given better food, medical treatment, and allocated more space, than other prisoners held in the same location. A prisoner in Moshi Prison died in 2000. Prison officials claimed the death was a result of tuberculosis and AIDS, but the autopsy showed the victim was beaten badly.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners are held separately from male prisoners in practice. Women sent to remand prison report that they are forced to sleep naked and subjected to sexual abuse by wardens. Juveniles are protected under both the Prisons Act and the Young Persons Ordinance Act, which also requires separation according to age. However, there are limited resources to provide for juveniles and only two juvenile detention facilities in the country, and as a result juveniles are not always separated from adults in practice.

Local nongovernmental organizations (NGO's) are permitted to monitor prison conditions; however, the Government has not granted permission to international NGO's to monitor prison conditions. The ICRC was permitted to visit 2 prisons in Zanzibar and Pemba during the year, and ICRC officials met with 52 individuals who had been detained in connection with the January violence (see Sections 1.a. and 2.b.). The ICRC also visited combatants imprisoned in the western part of the country; in addition the ICRC provided surgical supplies, financial support, and training to the medical facilities of the region, which receive war-wounded from Burundi and the Democratic Republic of the Congo. The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that holds special categories of refugees. Unlike in the previous year, the Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The law requires that a person arrested for a crime, other than a national security detainee under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often fail to comply. Unlike in the previous year, the authorities on the mainland and in Zanzibar did not arrest opponents of the Government for acts that the authorities regarded as seditious.

There were reports that police at times arrest innocent persons, accuse them of fictitious crimes, and withdraw or reduce the charges upon payment of bribes. The Government continued to punish police for abuse of their positions during the year.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Because of backlogs, an average case takes 2 to 3 years or longer to come to trial (see Section 1.e.). Observers estimate that only approximately 5 percent of persons held in remand ultimately are convicted, and in many cases, those convicted already have served their full sentences before their trials are held.

In some cases, accused persons are denied the right to contact a lawyer or talk with family members. Bribes often determine whether bail is granted or even whether a case is judged as a civil or criminal matter. There are reports of prisoners waiting several years for trial because they could not bribe police and court officials. The authorities acknowledge that some cases have been pending for several years.

In May a group of 12 inmates at Keko went on a hunger strike and wrote letters to President Mkapa to demand the hearing of their cases. The detainees, who were charged with murder, claimed that they had been imprisoned without trial for 10 years. Inmates at Keko remand prison also had gone on a hunger strike in 2000 to press for prompt hearings of their cases.

In August the Kisutu Resident Magistrate's Court released Leo Lekamwa, former Chairman of the Tanzania Labor Party, after the prosecution failed to produce witnesses for 4 years. Lekamwa was charged with a criminal offense of trampling on a copy of the Constitution with seditious intent in 1997.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. A detainee also is allowed to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act has not been used for many years nor was it used during the year. The Court of Appeals has ruled that the act cannot be used to deny bail to persons not considered dangerous to society; however, the Government still has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility."

Police continued to make arbitrary arrests, often as a means of extorting money; however, it was believed that these incidents decreased significantly during the year.

On January 25, police beat, arrested, and detained CUF Chairman Ibrahim Lipumba after he addressed a group of supporters in Dar es Salaam. Witnesses reported that Lipumba suffered arm and head injuries during a fight with FFU members who accused him of creating a disturbance. Lipumba and 14 others were arraigned on January 26. Lipumba was denied bail until after the planned January 27 demonstrations and was released on bail on January 30 (see Sections 1.a. and 2.b.).

On January 25, there were reports that as many as 50 other CUF members, including Kigamboni Member of Parliament (M.P.) Frank Magoba, were arrested in Dar es Salaam as part of a government effort to prevent the planned January 27 demonstrations (see Section 2.b.).

On January 26, in Zanzibar, police shot and killed two persons outside of the Mwembe Tanga mosque and then arrested 27 persons outside of the mosque and in a CUF office in the area (see Section 1.a.).

On January 27, police reportedly arrested 99 persons in Dar es Salaam and 82 others in Zanzibar and Pemba in connection with the demonstrations (see Section 2.b.). It was reported that those persons who received medical treatment for their injuries immediately were detained by police after being discharged from the hospital. Detention conditions for detainees who were arrested in connection with the January demonstrations reportedly were harsh, with as many as 40 persons in cells designed to hold 5 persons.

In early February, CUF leaders Mussa Haji Kombo and Khatib Hassan reportedly were arrested for organizing the January demonstrations (see Section 2.b.). On February 20, three CUF leaders, including CUF Deputy Secretary General Juma Duni Haji, also were arrested on charges of organizing the January 27 demonstrations (see Section 2.b.). The charges later were amended to include the killing of a police officer in Pemba, although they were not reportedly on the island at the time. The three were arrested as they accompanied CUF Secretary General Seif Shariff Hamad to court, where Hamad was appearing on charges following an altercation with police in 2000.

On October 15, all charges against persons arrested in connection with the January demonstrations were dropped and all detainees were released as part of the October 10 reconciliation agreement between the CCM and the CUF, which called for the release of all persons in custody who were associated with the January 27 events.

On November 24, police officers arrested and charged with seditious intent TLP Chairman Augustine Mrema and LEAT President Nshala Rugemeleza for their role in investigating claims that miners were killed at Bulyanhulu in 1996 (see Section 1.a.). Mrema and Rugemeleza were released within 24 hours. On December 11, police arrested 31 TLP supporters, including party leaders, for holding an unauthorized demonstration related to the incident at Bulyanhulu (see Section 2.b.). The TLP supporters were released by year's end.

In December police in Zanzibar arrested more than 20 leaders of the Answar Sunna "sect" for conducting Eid el Fitr prayers on a day other than the one designated by the Government of Zanzibar. They were detained and then released.

Despite orders from the Union Government's Inspector General of Police, police in Zanzibar, particularly in Pemba, continued to regularly detain, arrest, or harass CUF members and suspected supporters. However, such abuses decreased considerably after international criticism over the violent January 26-27 clashes between police officers and CUF supporters (see Section 2.b.), and after the CCM entered into a dialog with the CUF. The dialog resulted in an agreement by CCM and CUF to provide police officers with human rights and civil rights training; the training was scheduled to begin in 2002.

Unlike in the previous year, police on the mainland did not arrest Pembans without charge and forcibly return them to Pemba under police custody.

Unlike in the previous year, police did not arrest or detain any journalists.

On February 20, CUF leader Seif Shariff Hamad appeared in court for his April 2000 arrest at an indoor CUF meeting in Zanzibar; the charges against Hamad were dropped by year's end. In 2000 police began a campaign to apprehend persons who had attacked police officers attempting to break up the meeting and arrested numerous persons on the streets. Police also broke into homes and businesses, beat persons inside, arrested and detained them, and charged them with loitering and breach of the peace.

On October 31, 18 CUF defendants accused of treason, who were released in November 2000 after spending 21/2 years in prison on charges of treason without being convicted, introduced a civil suit against the Government seeking compensation for time in prison. The case remained pending at year's end.

In December 2000, four persons reportedly were arrested for a gasoline bombing of a primary school that housed a polling station. The four were released, and charges were dropped as a result of the October reconciliation agreement.

There were numerous arrests in Pemba after the October 2000 elections. In October 2000, the authorities reportedly arrested 12 persons in a CUF office in Wete, Pemba, and injured several of them during the arrest. An appeal was filed in November 2000. In November 2000, 10 persons reportedly were arrested on charges of setting off gasoline explosives at a hotel in Wete, Pemba. In November 2000, six persons reportedly were arrested on charges of attempted manslaughter of a Zanzibar Electoral commission officer in Wete, Pemba. Their bail reportedly was set at \$875 (700,000 shillings), which the detainees' defense counsel argued was so high that it amounted to "technically denying bail" to the accused. In November 2000, four persons reportedly were arrested for allegedly setting off a bomb in Wete, Pemba. All charges were dropped and detainees released by year's end as a result of the October reconciliation agreement.

Several journalists were arrested and detained by police following the October 2000 elections. They were released and charges were dropped as a result of the October reconciliation agreement (see Section 3).

In 1999 the authorities arrested and detained opposition leader Augustine Mrema for making derogatory statements about President Mkapa's wife and the NGO that she operates. Mrema also was charged with sedition for statements he made about former President Julius Nyerere. Mrema was scheduled to be tried in February for three charges of sedition, based on the claim that he presented fraudulent documents to Parliament. The remaining charges were dropped by year's end due to insufficient evidence.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary is corrupt, inefficient, and subject to executive influence.

Nevertheless, the higher courts increasingly have demonstrated independence from the Government. Senior police or government officials no longer pressure or reassign judges who make unpopular rulings. However, independent observers continued to criticize the judiciary, especially at the lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. In 2000 the Minister of Justice acknowledged in public statements that problems within the judiciary include unwarranted delays in the hearing of cases, falsified recording of evidence in court records, bribery, improper use or failure to use bail, and unethical behavior on the part of magistrates. The Court of Appeals delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard. Judicial ethics committees were tasked with drafting recommendations to improve the credibility and conduct of the judiciary; however, they had not yet drafted a report by year's end. The committees have no mechanism to redress grievances or enforce decisions and are weak and ineffective. The Government made some progress in addressing judicial corruption. During 2000 several magistrates were arrested after the Chief Justice was presented with credible evidence of their corruption. In June the authorities arrested a magistrate and court clerk in Mtwara for corruption. There was no further information available on the cases by year's end.

The legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters. The court system consists of primary courts, district courts, the High Court, and the Court of Appeals. Advocates defend clients in all courts, except in primary courts. There is no trial by jury. In addition to judges, there are district (or resident) magistrates. The law also provides for commercial courts, land tribunals, housing tribunals, and military tribunals. However, military tribunals have not been used in the country since its independence. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court and Court of Appeal. In refugee camps, Burundian mediation councils called *abashingatahe*, comprised of male refugee elders, often handle domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters (see Sections 2.d. and 5).

Zanzibar's court system generally parallels that of the mainland but retains Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Islamic courts only adjudicate cases involving Muslims. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases

may be appealed to the national Court of Appeal.

Criminal trials are open to the public and to the press; courts must give reasons on record for holding secret proceedings. Criminal defendants have the right of appeal.

Bail is set on a discretionary basis by judges based on the merits of each case (see Section 1.d.); however, there is no bail in murder or armed robbery cases.

The law provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There are only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes do not have legal counsel.

There is a separate facility for young offenders; however, the court is underutilized and many juvenile offenders still are tried in adult courts. Some cases continue to be sent through the traditional court system where they are processed faster because of a less significant backlog than in the regular civil court system.

There were no reports of political prisoners on the mainland. As a result of the October reconciliation agreement, all prisoners associated with the January demonstrations were granted amnesty and released (see Sections 1.d., 2.b., and 3).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution generally prohibits such actions without a search warrant; however, the Government does not respect consistently the prohibitions in practice.

The law authorizes police officials, including the civilian anticrime groups, to issue search warrants; however, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice police and members of other security services rarely requested warrants and often searched private homes and business establishments at will. The security services reportedly monitor telephones and correspondence of some citizens and foreign residents.

In January and February, police officers broke into homes and businesses in Zanzibar, beating those inside and destroying property following opposition demonstrations on January 27 (see Section 2.b.). There were credible reports that police officers in Pemba conducted house-to-house searches for opposition supporters. There also were reports of some rapes and indiscriminate shootings during the searches (see Section 2.b.). On February 15, more than 2 weeks after the demonstrations, there were reports that police officers in Pemba continued to conduct night searches, entering houses, beating and raping women, destroying and looting property, and forcing persons to flee (see Section 2.d.). There also were reports that telephone communications from Pemba were monitored and connections often cut off during telephone calls after the January demonstrations.

In 2000 police and army units reportedly also made nightly rounds in Pemba following the 2000 elections, conducting house-to-house searches.

During the years in which the country was a 1-party state, the CCM penetrated all levels of society through local cells, varying in size from single family homes to large apartment buildings and containing from 10 to 200 persons. Unpaid party officials served as 10-cell leaders with authority to resolve problems at the grassroots level and to report to authorities any suspicious behavior, event, or noncompliance with compulsory night patrol service in the neighborhood. The role of the cells has diminished considerably, particularly in areas where opposition parties are strong; however, the CCM remained influential. While in the past CCM membership was necessary for advancement in political and other areas, CCM membership is voluntary. However, in past years, some government employees, particularly in Zanzibar, who supported opposition candidates lost their jobs, and some students were expelled from school because of their families' political affiliation.

Police continued to threaten, mistreat, occasionally beat, and arrest relatives of criminal suspects and detained them without charge in an effort to force suspects to surrender.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. The law limits the media's ability to function effectively. Government ministers and the Registrar of Newspapers pressure journalists to practice self-censorship. Unlike in the previous year, the Government allowed political opponents unrestricted access to the media.

Citizens on both the mainland and in Zanzibar generally enjoyed the right to discuss political alternatives freely, although there were instances in which the freedom of speech was restricted severely. Political parties are required by law to support the continuation of the Union. Opposition political party members and others openly criticize the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.).

The press on the mainland is, on the whole, lively and outspoken. Even the government-owned newspaper regularly reports events that portray the Government in an unflattering light. There are 10 daily newspapers and 22 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which are owned or influenced by political parties, both the CCM and the opposition. There is no official censorship, but throughout the year the Government continued to pressure newspapers to suppress or change articles unfavorable to it. During the year, two newspapers were forced to close reportedly because of lewd content.

In Zanzibar the Government implements a restrictive policy with regard to print media. The Zanzibar News Act circumscribes journalists' freedom of action by giving the authorities greater protection to harass, detain, and interrogate journalists. Private mainland newspapers are available widely in Zanzibar, and many residents can receive mainland television.

Unlike in the previous year, police did not arrest, detain, or harass journalists. Several journalists were arrested and detained by police following the October 2000 elections in Zanzibar.

Private radio and television stations broadcast in Dar es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly does not censor news reports, but attempts to influence their content. In Zanzibar the Government controls radio and television. Some journalists, such as those in Zanzibar, exercise self-censorship on sensitive problems. Journalists who report arrests can be charged with obstructing police activity under the Police Act. The law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition M.P.

The Media Council operated with limited effectiveness during the year. The Council serves as an adjudicating body when journalists infringe upon the voluntary code of ethics and has the power to impose fines. The Council consists of university professors, media lawyers, and Judge Joseph Sinde Warioba. The president of the Council, Professor Geoffrey Mmari, has complained publicly that the laws governing the media are outdated. The Council received approximately 20 cases for adjudication during the year, but 16 still were pending at year's end; only 1 case was resolved during the year.

In 2000 the Government banned the book, "The Mwembechai Killings and the Political Future of Tanzania" for being "incendiary."

The Government generally respected academic freedom. Academics, increasingly outspoken in their criticism of the Government, continued their calls for reform during the year and prior to the October reconciliation agreement, were particularly critical of the union Government's actions in response to the political situation in Zanzibar.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Political parties that seek to hold rallies must give the police 48 hours' advance notice. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. The authorities arrested citizens for assembling without the appropriate permit.

Unlike in the previous year, the Government did not arrest opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious.

The Government declared "illegal" rallies scheduled by CUF for January 27 to protest the October 2000 election. CUF proceeded with the planned demonstrations in Zanzibar and Dar es Salaam. Security forces responded by forcibly dispersing any large gatherings. In Dar es Salaam, police officers used tear gas to disperse groups of three or more persons in the streets (see Section 1.c.). Although police officials claimed that police officers fired into the air or at the feet of demonstrators, credible evidence indicated that police officers were not restrained and fired on both demonstrators and bystanders whether they were carrying stones or machetes or were unarmed; between 24 and 70 persons were killed (see Section 1.a.). International human rights organizations were unable to confirm either the government figure of 24 deaths or the opposition claim of more than 70 deaths, and the exact number of deaths remained unknown at year's end. Most of the killings occurred on the island of Pemba in the areas of Wete, Micheweni, Chake Chake, and Mkoani. Police officers reportedly shot residents on the streets and in their homes. Residents who were not demonstrating also were shot outside their homes. In one location, CUF youth members responded to the shootings by attacking police with machetes or stones, killing one police officer. There were credible reports that in some cases security forces did not allow relatives to bury their dead, and in many cases, demonstrators later died of their injuries because security forces denied them access to medical care. There were reports that some persons who were arrested during the demonstrations were tortured by police. There also were reports of some instances of rape and looting by police. There were reports that a police helicopter circled around Zanzibar; there were unconfirmed reports that police shot at persons from the helicopter. There were credible reports that demonstrators in Unguja were beaten and physically abused by riot police. It was reported that those persons who received medical treatment for their injuries were immediately detained by police after being discharged from the hospital. Some of the detainees were reportedly held incommunicado and charged with unlawful assembly (see Section 1.d.). As a result of the October reconciliation agreement, all of the detainees associated with the January demonstrations were released, and all charges against them were dropped (see Section 3).

Representatives from Human Rights Watch and Amnesty International visited during the year to conduct follow-up investigations into the January violence (see Section 4).

The October 10 reconciliation agreement between the CUF and the CCM includes a provision for the establishment of an independent commission to investigate the January 26 and 27 violence and requires that all police charges against the demonstrators be dropped, and that humanitarian assistance be provided to the families of victims (see Section 3).

With the exception of the January 27 demonstrations, opposition parties generally were able to hold rallies. CUF meetings have been banned periodically; however, no such bans were reported during the year. The CUF organized several peaceful rallies in February and two major opposition demonstrations in April, which the authorities allowed. In Zanzibar CUF rallies were more restricted than those of other political parties. CUF rallies were banned at least once in Dar es Salaam and several times in Zanzibar before the 2000 elections. Several rallies were prevented through such indirect means as cutting off electricity for loudspeakers, citing ad hoc limits, and scheduling the same rally times for more than one group. Security officials interfered with citizens' rights to assemble peacefully on numerous occasions.

Unlike in the previous year, police did not break up meetings attended by persons thought to be opposed to the Zanzibar Government.

In August police banned Muslim protests scheduled for August 23 in Dar es Salaam on public safety grounds. Despite the Inspector General's refusal to grant a permit for the rally, on August 24, several hundred demonstrators marched to protest the sentencing of a Muslim man to an 18-month jail term for blasphemy against Christianity (see Section 2.c.). More than 170 Muslims were arrested, and cases remained pending against 41 persons by year's end.

On December 11, police arrested 31 TLP supporters, including party leaders, for holding an unauthorized demonstration. The TLP had planned to hold a procession followed by a public gathering to show a videotape of the alleged killings of miners at Bulyanhulu in 1996 (see Sections 1.a. and 1.d.).

No action was taken against the police who used excessive force to disperse the following rallies and demonstrations in Zanzibar in 2000: The October 30 rallies and demonstrations in the Darajani district of Stone Town; the October 28 CUF meeting; the October 11 CUF-sponsored election rally; the April 1 CUF meeting; and the January 19 crowd at a courthouse.

The Constitution provides for freedom of association; however, the Government limits this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered or provisionally registered parties. The Constitution and other laws stipulate that citizens cannot establish new political parties; candidates must be members of 1

of the 15 registered political parties. The Electoral Law prohibits independent candidates; requires all standing M.P.'s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, in order to secure full registration and to be eligible to field candidates for election. Unregistered parties are prohibited from holding meetings, recruiting members, or fielding candidates. In October 1999, the Registrar of Political Parties stated that the registration provisions were too restrictive; however, no action was taken during the year to reform the provisions. On November 15, two political parties, Chama Cha Demokrasia Makini and CHAUSTA, obtained registration; these were the first new parties registered since 1994.

Unlike in the previous year, the Reverend Christopher Mtikila's Democratic Party did not function during the year.

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. There were 2,700 registered NGO's as of October; the number decreased from the previous year due to the Government's establishment of an NGO unit in the Vice President's office to oversee registration and coordination. During the year, the Government continued a general suspension of registration of religious NGO's on the grounds that many were being formed for the purpose of evading taxes (see Section 2.c.). In 2000 the Government denied registration to eight NGO's for abusing their exemptions by selling for profit goods that they had brought into the country duty-free. The Government also struck the National Women's Council from the Register in 1997 for allegedly engaging in political activity contrary to its charter, but the High Court overturned this action in 1999. The Government appealed the case to the Court of Appeal, but the Court has delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard (see Section 1.e.). The National Women's Council continued to operate without government interference at year's end, pending a final decision by the court.

A number of professional, business, legal, and medical associations only have begun to address political topics.

Zanzibar has the same NGO registration policy as the mainland, and NGO's conducted activities in Zanzibar during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety; however, there were a few limits on freedom of religion. Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials are alleged to favor persons who share the same religion in the conduct of business.

The Government requires that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. In order to register, religious organizations must have at least 10 followers and must provide a constitution, the resumes of their leaders, and a letter of recommendation from their district commissioner. Groups no longer are required to provide three letters of recommendation from the leaders of registered Christian churches or from registered mosques; however, some Muslim groups claim that they still are required to submit a letter of recommendation from BAKWATA, the National Muslim Council of Tanzania. There were no reports during the year that the Government refused the registration of any group.

Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters; Islamic law is applicable only in Zanzibar. Zanzibar's court system generally parallels the mainland's legal system but retains Islamic courts to adjudicate cases of Muslim family law, such as divorce, child custody, and inheritance (see Section 1.e.).

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order. In 2000 the Government banned the publication and distribution of a book by a Muslim academic on the grounds that it was inflammatory. During the year, urban Muslims distributed videotapes of the Mwembechai riots to document perceived human rights abuses; these videotapes were outlawed by the Government for being incendiary.

The Government has banned religious organizations from involvement in politics, and politicians are banned from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. In 2000 Parliament passed a law that imposes fines and jail time on political

parties that campaign in houses of worship or educational facilities.

In 1999 police used tear gas and clubs to disperse a peaceful demonstration by Muslims protesting a ban on Muslim school uniforms by certain public schools. Muslim groups report that subsequently they were allowed to challenge and overturn the bans through use of the judicial system, which ruled that certain traditional religious attire (such as hijab headdress) was permitted by law in all public schools.

The Muslim community claims to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there is broad Muslim resentment of certain advantages that Christians are perceived to enjoy in employment and educational opportunities. Muslim leaders have complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christians. In turn Christians criticize what they perceive as lingering effects of undue favoritism accorded to Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Christian leaders agree that the Muslim student population in institutions of higher learning is disproportionately low; however, they blame this condition on historical circumstances rather than discrimination.

In October the Zanzibar Government passed a bill to establish a Islamic leader (mufti) office on the island. Government officials claimed that a mufti office was needed to coordinate Islamic activities and improve religious understanding; however, several Muslim organizations criticized the proposal as an effort by the union Government to institutionalize government oversight of Islamic organizations.

The Government failed to respond to growing tensions between the Muslim and Christian communities (see Section 5). The Government recognized that a problem exists, but it chose not to take action. The Government cancelled several meetings with Muslim and Christian leaders aimed at improving relations between the two communities. Even senior Muslim officials in the Government appear unwilling to address the problem, apart from general criticism of those who would foment religious conflict. In 1999 President Mkapa met with leaders of the Muslim community at a Dar es Salaam mosque to listen to their grievances and propose solutions; however, urban Muslim leaders claim that no action has been taken to address their concerns.

On January 27, a demonstration on Pemba, which is 98 percent Muslim, turned violent and led to the deaths of at least 23 protesters, and also sparked an outburst of religious enmity (see Section 2.b.). Police killed two persons, including one imam. There were reports that police officers and soldiers made anti-Muslim slurs against persons during house-to-house searches (see Section 2.b.). On January 27, in Wete, police turned away persons who were going to mosques to pray; police reportedly beat those who resisted the order. Following the January demonstrations, there were reports of isolated cases of harassment of individuals who were perceived as supporters of radical Islam, including the alleged forcible shaving of beards of certain Muslims who had been detained.

On July 31, a local magistrate in Morogoro sentenced 28-year old Kahmis Rajab Dibagula to an 18-month jail term for blasphemy against Christianity for publicly stating "Yesu si Mungu" (Jesus is not God). On August 24, Muslim youths marched on the Attorney General's office while the Dibagula case was being heard by Justice Chipeta at the High Court. While Chipeta agreed to overturn the sentence and ordered the release of Dibagula, the High Court widely was criticized in the Muslim community for only overturning the conviction rather than stating that the blasphemy charge was unconstitutional and discriminatory towards Muslims.

In December police on Zanzibar arrested more than 20 leaders of the Answar Sunna sect for conducting Eid el Fitr prayers on a day other than the one designated by the Government of Zanzibar.

Prior to the October 2000 elections, government officials called on political candidates to avoid using religion as a campaign issue and urged the public to reject religiously oriented campaigns. The CUF party, perceived by many voters as being the "party of Muslims," apparently lost ground on the mainland due to the heavy emphasis that its candidates placed on religious issues.

In 1999 police arrested a popular Muslim leader for inciting his followers against other religions. A week later, the police canceled a planned Muslim demonstration to protest his arrest. The Muslim leader was charged with seditious intent and denied bail. There was no further information about this case at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times are difficult

to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens can return to the country without difficulty.

In February the Government declared that four government and party officials were noncitizens and therefore no longer could retain their positions. Those persons designated by the Government as noncitizens included a well-known journalist; the High Commissioner to Nigeria; a regional CCM chairman, and the Zanzibar CCM publicity secretary. The four were instructed to apply for resident permits. No further information was available on the cases at year's end.

After the 2000 elections, and again after the January 27 demonstrations, a curfew was imposed on Wete of Pemba. Any persons observed by the police on the streets after 7 p.m. were ordered to return home. In January in Wete, the authorities warned residents to stay in their homes and established roadblocks to intercept demonstrators and residents. The curfew and roadblocks did not continue after January. There also were reports of beatings by the police (see Section 1.c.).

Police set up six roadblocks in Pemba after the 2000 elections; there were reports that police beat and assaulted persons in the area (see Section 1.c.).

Unlike in the previous year, there were no reports of citizens of Pemban origin being harassed on the mainland or returned to Pemba.

Mainlanders are required to show identification to travel to Zanzibar, although the requirement is ignored largely in practice; however, Zanzibaris need no special identification to travel to the mainland. Mainlanders are not allowed to own land in the islands, except in partnership with foreign investors. There is no prohibition against mainlanders working in the islands; however, in practice few mainlanders are hired.

Following the outbreak of violence in Pemba in January (see Section 2.b.), there were reports that persons hid in the brush or forested areas for days or weeks before escaping by boat to Kenya. The refugees reportedly included a number of M.P.'s. In May refugees began to return to Pemba; the first boatloads of 600 refugees returned on May 17 and 18. The UNHCR maintained a continuous presence in Pemba from May 13 until September 30. There were no known reports that returnees were harassed, arrested, imprisoned, or otherwise abused in connection with the January demonstrations (see Section 2.b.). By mid-October UNHCR had assisted in the repatriation of 818 refugees, but many more returned without UNHCR assistance. At year's end, 350 UNHCR-assisted refugees remained in Kenya; however, in early October, there were reports that approximately 100 had departed Kenya voluntarily for Somalia. Approximately 500 Zanzibari refugees in Kenya were transferred to the Dadaab refugee camp in northeast Kenya during the year.

On August 4, armed bandits reportedly attacked Tanzanian refugees at a transit center in Kenya; the bandits injured some refugees and stole food rations.

On July 27, following violent clashes that broke out in Tarime District (in the northwestern part of the country) between members of the Walyanchoka and Waanchari clans, numerous persons fled across the border into Kenya (see Section 5).

The law includes provisions for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and these provisions were respected in practice with a few exceptions. The Government cooperates with the UNHCR. The Government traditionally has maintained a generous open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. The UNHCR estimated that there were approximately 951,000 refugees in the country during the year. The country continued to provide first asylum to refugees, particularly those fleeing conflict in the region. In 1999 the Government agreed to accept asylum applications from Rwandans who had been barred from seeking asylum in 1997 and 1998. In 2000 a relatively small number of Rwandans who feared for their safety were granted asylum by the Government and appeals by others who petitioned for asylum were pending at the end of 2000. The Government continues to offer first asylum to nearly 951,000 refugees, including 815,000 Burundians, 25,000 Rwandans, 3,000 Somalis, and 107,000 Congolese from the Democratic Republic of the Congo (DRC). Refugees continued to arrive in the country during the year, most of them fleeing instability and conflict in Burundi and the DRC. A smaller number returned to their homes, mostly in Rwanda and some parts of Burundi.

In June President Mkapa told a visiting delegation from the U.N. Security Council that the Burundian refugees should return to Burundi under the protection of the U.N. Some observers believe that Mkapa's remarks contributed indirectly to the voluntary return to Burundi of an unconfirmed number (estimated at more than 100) of the refugees. Mkapa subsequently wrote a letter to the UNHCR pledging that there would be no forced

repatriation.

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents allowed the children to be taken, believing that the children would be working on plantations.

On May 8, the Government, the UNHCR, and the Government of Burundi signed a tripartite agreement that provides for the voluntary repatriation of Burundi refugees. The UNHCR created plans for the repatriation and reintegration of the refugees; however, the plans were not implemented by year's end due to continued insecurity in Burundi.

The Government arrested, detained, and forcibly expelled 80 Rwandan and 580 Burundians in 2000. Many of these refugees reportedly were denied the opportunity to collect their belongings or contact their families prior to being expelled. The refugees who were returned forcibly were living outside UNHCR camps and included Rwandans living in the country since the 1960's. The returns were ordered by the regional commissioner, reportedly without the involvement of higher government officials; however, the Ministry of Home Affairs took no action to reprimand the regional commissioner for the expulsions. The regional commissioner gave the refugees the choice of returning to their countries of origin or moving into UNHCR camps. The regional commissioner reportedly also gave the refugees the option of paying the required fees to become residents in the country, which were too expensive for the refugees to pay. In December 2000, a group of 1,500 of the refugees left the country for Rwanda. In 2000 the Government forcibly returned two Rwandans and three Burundians to Rwanda. The number of Burundian refugees who were returned forcibly reportedly decreased after the Government began to send refugees outside of refugee camps to the UNHCR rather than forcibly returning them to their countries of origin.

There is some resentment and hostility against refugees because of the provision of goods and services for refugees that are not available to the local population; however, during recent years, the UNHCR, NGO's, and international organizations have made many of these services available to the local population, thereby alleviating some tension (see Section 1.c.).

There are 12 refugee camps in the country. It is illegal for refugees to live outside of the camps or settlements or to travel outside a 2.5 mile radius of their respective camps without permission. Refugee camps in the west were plagued by food shortages and outbreaks of disease during the year. Refugee camps were large, and the authorities restricted employment opportunities outside the camps. There were reports that some refugees engage in vigilante justice within camps, occasionally beating other refugees.

Sexual and gender-based violence continued to be a problem in the refugee camps. The Government does not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There is no mechanism within refugee camps to punish abusers, and most cases are not referred to local authorities. Police officials lack special training in the area of domestic abuse, and local and traditional courts, of which both handle domestic violence cases, lack necessary resources (see Section 5). Among Burundian refugees, mediation councils called abashingatahe, comprised of male refugee elders, often handle domestic abuse cases (see Section 1.e.).

There was continuing concern over violence allegedly perpetrated by some armed refugees, although such violence has diminished since 1999. Local officials reported incidents of killings, banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Section 1.c.). There were several reports that Burundi rebels conducted training and recruitment in the camps. In 2000 there were unconfirmed reports that the Burundian Government hired mercenaries to invade refugee camps, although the Burundian Government strongly denies these reports, and there were no incidents reported during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in 2000. However, the Government engaged in a dialog with the opposition in order to ensure a more open and transparent process for the next elections. A multiparty political system was introduced officially in 1992, and in 1995 for the first time in more than 30 years, citizens exercised their right to change their government through national elections for president and parliament. In 2000 President Mkapa was reelected in the country's second multiparty national elections.

In October 2000, the national elections were held on the mainland and Zanzibar. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar four separate international observer teams concluded that the vote was marred by irregularities, voter

intimidation, and politically motivated violence. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote. The ruling CCM party made significant gains in its majority in Parliament, winning 167 out of 181 seats. Opposition candidates gained 11 seats in 6 of the 19 mainland regions giving them a total of 14 seats on the mainland, and the CUF won 16 seats in Zanzibar. The CUF refused to recognize the election results in Zanzibar, demanded new elections, and boycotted the union and Zanzibar elections. In April the National Assembly passed a law that allows by-elections to fill seats that remain vacant for 2 years, and the Speaker announced that the 15 boycotted CUF seats from Pemba were vacant.

Unlike in the previous year, there were no reports that the Government harassed its opponents or arrested opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious. The authorities forcibly dispersed a number of political rallies during the period prior to and after the 2000 elections.

In 2000 local authorities forced persons attempting to register to vote in Mwanza to provide documentary proof that they had paid local government taxes before they allowed them to register, even though there is no legal requirement for voters to prove payment of taxes to register.

In 1999 a Commonwealth-brokered agreement on electoral reform was signed, but its provisions were not implemented. The Zanzibar Government refused to reform its electoral commission, a provision that was central to the agreement, and the Commonwealth Agreement remained a point of contention during the CCM-CUF dialog during the year. In Zanzibar there were credible reports of irregularities during the voter registration process conducted in preparation for the 2000 elections. The ruling CCM party was accused by several opposition parties of illegally registering mainland citizens as voters in Zanzibar. Some transportation operators were asked by union officials to transport citizens from the mainland to Zanzibar without charge. One operator reported that his family received threatening telephone calls at home for refusing to comply with the request. Shehas (village headmen) were responsible for validating residency requirements for voting in the elections. The majority of shehas were CCM members, and international monitors reported that in some cases they abused their discretion during the registration process. There also were credible reports that CUF supporters attempted to intimidate legally registered voters believed to be CCM supporters in Zanzibar. The homes of several long-term residents of mainland origin reportedly were stoned, and three residences were burned down, although no one claimed responsibility for these actions. Subsequently some occupants decided to leave Zanzibar or to send family members to the mainland until after the election.

Voting irregularities during the 2000 elections included the late arrival and absence of ballots, and the late opening of polling stations. The Zanzibar Electoral Commission (ZEC) stopped balloting and counting throughout Zanzibar at 5:30 in the evening, even in locations that did not have ballot shortages. Police and some officials from the ZEC were implicated in the voting irregularities. Police officers, accompanied by ZEC officials, seized ballot boxes in many constituencies, including the entire island of Pemba, and most of the ballot boxes were not under independent or opposition supervision after they were seized. Four groups of international election observers criticized the Zanzibar vote and called for a re-run election in all of the Zanzibar constituencies; however, the Government only announced new elections in 16 of the 50 constituencies to be held in November 2000.

Voter turnout for the November 2000 elections was low. The opposition boycotted the re-run election, claiming that the elections already had been compromised. After the re-run, the ruling party announced that it had won all of the constituencies in Zanzibar and four constituencies in Pemba (where they previously did not hold any seats). The final results of the re-run election gave the ruling CCM party 34 seats in the 50-seat House of Representatives and 35 seats in the 50-seat National Assembly. CCM candidate Amani Karume was declared the new Zanzibari President.

Government security forces and CCM gangs increased harassment and intimidation of CUF members on the Zanzibar islands of Pemba and Ugunja in the 3 months before the 2000 elections. Security forces forcibly dispersed gatherings and intimidated, harassed, arrested, and beat persons (see Sections 1.c. and 1.d.). During the re-run elections, police beat and reportedly tortured opposition officials. Unlike in the previous year, international donors did not suspend direct assistance to Zanzibar in response to the authorities' human rights abuses.

Following the January 27 demonstrations in Zanzibar and the ensuing violence (see Sections 1.a., 1.d., 1.f., 2.c., and 2.b.), domestic political pressure and international donor pressure encouraged the CCM and CUF to engage in a dialog on the future of electoral politics in Zanzibar. The dialog began in May and concluded with a reconciliation agreement signed on October 10. The CCM and CUF agreed to: implement fully the 1999 Commonwealth-brokered accord, including its provisions to appoint an independent and impartial ZEC and judiciary; create a Joint Presidential Supervisory Commission, comprised of 5 members from each party, to implement the accord, eliminate discrimination in government hiring, and eventually organize by-elections for 16 parliamentary seats vacated after the boycott and subsequent expulsion of CUF representatives in March;

appoint an independent commission to investigate the extent and cause of the January 26 and 27 violence, with all pending police charges against demonstrators dropped and humanitarian assistance provided to families of the victims (see Section 2.b.); and allow for the safe return of all remaining Pemba refugees in Kenya, with immunity from prosecution for any crimes that may have been committed during the January violence (see Section 2.d.).

The percentage of women in government or politics does not correspond to their percentage of the population; however, there are no legal restrictions on the participation of women in politics and government. Women occupy 60 seats in Parliament: 12 female M.P.'s are elected members of the CCM; 47 female M.P.'s occupy "Special Women" seats, which are appointed by political parties based on the elected percentages of the constituent seats; and 1 M.P. was nominated by President Mkapa. Women occupy seven seats in the Zanzibar House of Representatives. In 2000 Parliament passed the 13th Amendment to the union Constitution, which requires that 20 percent of seats in Parliament be occupied by women. President Mkapa ratified the amendment in February. Four of the Cabinet's 27 ministers are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups generally operate without government interference, investigating and publishing their findings on human rights cases. The Government generally was responsive to their views. In July the Legal and Human Rights Center, a local NGO, held its first-ever Annual General Meeting, which was attended by a number of prominent domestic human rights activists as well as representatives of grassroots organizations. However, the Government has obstructed the formation of local human rights groups. Persons seeking to register human rights NGO's, such as the Tanzania Human Rights Education Society, complained that the Ministry of Home Affairs continued to delay action on their applications (see Section 2.b.). This hampered their access and efforts to monitor violations of human rights. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented. During the year, the Government appealed a High Court decision ordering the reinstatement of the National Women's Council, an NGO that the Government had deregistered in 1997, but the Court had not heard the case by year's end. The National Women's Council continued to operate at year's end (see Section 2.b.).

Representatives from Human Rights Watch and Amnesty International visited during the year to conduct follow-up investigations on the January violence (see Section 2.b.). However, on February 7, the Government publicly criticized a group of western diplomats for going "outside diplomatic channels" to visit Pemba and investigate reports of abuses there. The ICRC was accredited as a legal entity on December 31. However, the relationship between the ICRC and the Government during negotiations over accreditation improved, and unlike in previous years, discussions focused on technical points rather than political issues.

After more than 2 years of debate and intense pressure from Amnesty International and other NGO's during the year, the Government approved a bill to establish a Human Rights Commission. Following President Mkapa's announcement in 2000 that the Government would inaugurate a Human Rights and Good Governance Committee, in April Parliament passed a bill that gave the Human Rights Commission the power to investigate human rights abuses on its own initiative upon receipt of a complaint or allegation. The Commission was not given jurisdiction over any matter that is pending before a court or other tribunal or any dispute that involves relations between the Government and a foreign state or international organization. Critics of the Commission's mandate and structure criticized the organization's lack of independence from the Government, arguing that it would render the entity ineffective. Critics specifically pointed to the selection process to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. The Commission did not begin functioning until late in the year, and it did not hear any cases by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability is not prohibited specifically by law but is discouraged publicly in official statements. Discrimination against women and religious and ethnic minorities persisted. Religious and ethnic tensions in society continue to exist; however, the Government issued several statements in 2000 encouraging religious and ethnic tolerance during the election campaign. The Government created the TAPAC during the year to address discrimination against persons infected with HIV/AIDS in the country.

Women

Domestic violence against women remained widespread. Legal remedies exist in the form of assault provisions

under the Criminal Code; however, in practice these provisions are difficult to enforce. The Marriage Act includes a declaration against spousal battery, but does not prohibit it nor provide for any punishment. Traditional customs that subordinate women remain strong in both urban and rural area, and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurs at all levels of society. Cultural, family, and social pressures prevent many women from reporting abuses to the authorities. No updated statistics were available at year's end. The Tanzania Media Women's Association (TAMWA), a local NGO, reports that as many as 6 out of 10 women are beaten by their husbands. According to TAMWA, between October 2000 and September, there were a total of 346 cases of domestic violence reported at the TAMWA crisis center. Government officials frequently make public statements criticizing such abuses, but action rarely is taken against perpetrators. Police often have biases against pursuing domestic abuse cases and have demanded bribes to investigate allegations.

The law provides for life imprisonment for persons convicted of rape and child molestation. Several persons were prosecuted and convicted for rape and battery under this law during the year. There were reports that members of the police raped women in Zanzibar and Pemba in the period following the 2000 elections and following the January demonstrations (see Section 2.b.). Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.).

Although the Government officially discourages female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, it still is performed at an early age by approximately 20 of the country's 130 main ethnic groups. There were reports in 2000 of deaths resulting from FGM, including a 14-year-old girl in Dodoma. According to a 1996 health survey conducted by the Bureau of Statistics (the most recent study), FGM affects 18 percent of the female population. There were no updated statistics available by year's end. In some ethnic groups, FGM is compulsory, and in others, a woman who has not undergone the ritual may not be able to marry. Government data show this to be a problem that varies by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM is almost nonexistent in the rest of the country. There is no law that specifically prohibits FGM. The country's educational curriculum does not include instruction on FGM, but the problem is covered occasionally in secondary schools. Government officials have called for changes in practices that adversely affect women, and the Sexual Offenses Special Provisions Act, which prohibits cruelty against children, has been used as the basis for campaigns against FGM performed on girls; however, there is no legal protection for adult women who undergo FGM. In addition police do not have adequate resources to protect victims. Some local government officials have begun to combat the practice and have convicted and imprisoned some persons who performed FGM on young girls, and there were prosecutions during the year. Seminars sponsored by various governmental organizations and NGO's are held regularly in an attempt to educate the public on the dangers of FGM and other traditional practices. These practices include the tradition of inherited wives, which critics contend contributes to the spread of HIV/AIDS, and child marriages, which are sanctioned with parental consent under the law for girls 12 years of age or older. While some authorities believe that FGM is declining, a 1996 government report suggested that it is increasing, especially in the central region. In 1998 the Dodoma Traditional Practices and Beliefs Committee, supported by a World Health Organization (WHO) grant, continued a program to eliminate FGM in the Dodoma region. The Ministry of Health continued an educational campaign on FGM as part of its Safe Motherhood Initiative. The enforcement of policies to stop FGM remains difficult because some regional government officials are in favor of the practice or fear speaking out against it because of the power of traditional leaders.

In 2000 Parliament amended the Constitution to prohibit sexual harassment against women in the workplace by a person in authority. In 2000 several persons were arrested under the new law. Male colleagues sometimes harass women seeking higher education, and the authorities largely have ignored the practice.

Although the Government advocates equal rights for women in the workplace, it does not ensure these rights in practice. In the public sector, which employs 80 percent of the salaried labor force, certain statutes restrict women's access to some jobs or hours of employment. For example, in general, women may not be employed between 10 p.m. and 6 a.m., although this restriction usually is ignored in practice (see Section 6.e.). While progress on women's rights has been more noticeable in urban areas, strong traditional norms still divide labor along gender lines and place women in a subordinate position. Discrimination against women is most acute in rural areas, where women are relegated to farming and raising children, and have almost no opportunity for wage employment. Custom and tradition often hinder women from owning property such as land, and may override laws that provide for equal treatment.

The overall situation for women is less favorable in Zanzibar. Although women generally are not discouraged from seeking employment outside the home, women there, and on many parts of the mainland, face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the law provide for certain

inheritance and property rights for women, the application of customary, Islamic, or statutory law depends on the lifestyle and stated intentions of the male head of household. Thus far, the courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant are subject to 2 years' imprisonment.

Several NGO's provide counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, and molestation.

Children

Government funding of programs for children's welfare remained miniscule. The Government has made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well being of orphans and neglected children. A WHO program for children under 1 year of age has reportedly decreased the number of severe cases of malaria in the country, and the Government cooperated with the WHO in administering this program.

The law provides for 7 years of compulsory education through the age of 15; however, education is not free on both the mainland and in Zanzibar. Fees are charged for books, enrollment, and uniforms, with the result that some children have been denied an education. During the year, Parliament voted to provide free primary school education. The legislation was scheduled to go into effect in January 2002. However, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate is between 30 and 40 percent. The literacy rate is approximately 70 percent; however, for girls it is only 57 percent compared with 80 percent for boys. There have been overall increases in the rate of girls' participation in school since 1990; however, the rate of girls' enrollment in school is lower than that of boys, and generally declines with each additional year of schooling. In some districts, the attendance of girls continued to decline as the result of the need to care for younger siblings, household work, and early marriage, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school remains in effect.

FGM is performed on girls, primarily in the central region (see Section 5, Women).

A 1998 study funded by the ILO reported a growth in child prostitution (see Section 6.c.). The law criminalizes child prostitution and child pornography. The minimum age for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law is not effective in practice because it is customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage.

Child labor is a problem, and there were reports that forced labor of children occurred (see Sections 6.c. and 6.d.).

There continued to be reports that children were trafficked away from their families to work in mines, commercial agriculture, as domestic laborers, and in other business entities. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income (see Section 6.f.).

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents may have allowed the children to be taken with the belief that they would work on plantations.

Persons with Disabilities

The Government does not mandate access to public buildings, transportation, or government services for persons with disabilities. Although there is no official discrimination against persons with disabilities, in practice persons with physical disabilities effectively are restricted in their access to education, employment, and provision of other state services due to physical barriers. The Government provides only limited funding for special facilities and programs.

Religious Minorities

Generally there are stable relations between the various religious communities; however, there is some

tension between Muslims and Christians, and some tension between moderate and fundamentalist Muslims. The mainland is 60 percent Christian and 40 percent Muslim, whereas Zanzibar is 97 percent Muslim. Some urban Muslim groups are sensitive to perceived discrimination in government hiring and law enforcement practices. Rural Muslim groups do not appear to share urban Muslims' concerns to the same extent.

Unlike in the previous year, there were no reports that leaders in the Christian and Muslim communities appeared to be fomenting religious tension between their groups.

There were signs of increasing tension between secular and fundamentalist Muslims, as the latter feel that the former have joined with the Government for monetary and other benefits. The fundamentalist Muslims accuse the Government of being a Christian institution, and Muslims in power as being only interested in safeguarding their positions. Fundamentalist Muslims severely criticized secular Muslims who drink alcohol or marry Christian women. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system (see Section 2.c.). Fundamentalist groups also have exhorted their followers to vote only for Muslim candidates.

An interdenominational religious council periodically meets to discuss issues of mutual concern, such as the recent violence in Zanzibar. The council is comprised of Catholic, Protestant, and Muslim representatives. The Muslim representative belongs to the BAKWATA; several urban Muslim leaders and a majority of urban Muslims believe that the BAKWATA is a government-imposed watchdog organization.

National/Racial/Ethnic Minorities

In the past, the Government discriminated against the Barabaig and other nomadic persons in the north. These ethnic groups continued to seek compensation for past government discrimination seeking to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. In 1994 6 Barabaig plaintiffs filed a class action suit, which included 750 members of the Barabaig tribe, challenging their eviction by the National Food Corporation, a parastatal organization. In 1994 the High Court ruled that three of the plaintiffs had the right to return to their land and awarded them damages of \$25 (20,000 shillings), \$75 (60,000 shillings), and \$250 (200,000 shillings) respectively. However, the court found that the 3 other plaintiffs did not prove their cases and refused to award them compensation; the court also denied the cases of the 750 members of the tribe for not following correct procedures in filing their claim. The three plaintiffs who received compensation appealed the case, arguing that the compensation was not adequate. The other three plaintiffs and the 750 tribe members also appealed the denial of their case. The appeals trial, originally scheduled for February, started on May 8; on June 1, the High Court of Arusha dismissed the case. The plaintiffs indicated that they would file another appeal, but had not done so by year's end.

The Asian community, which is viewed unfavorably by many African citizens, has declined by 50 percent in the past decade to approximately 50,000 persons. There are no laws or official policies that discriminate against Asians; however, as the Government places great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role has increased. This has led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization does not increase the Asian community's economic predominance at the expense of the country's African population.

In August there were clashes between farmers and Maasai pastoralists in Mangae, Morogoro Region, in which six farmers were injured seriously. The farmers were attacked by Maasai herdsman with clubs after the farmers attacked cattle to stop the animals from eating planted sorghum. Fighting between these groups also reportedly had broken out earlier in the year in nearby Kilosa. On July 27, violent clashes broke out in Tarime District (in the northwestern part of the country) between members of the Walyanchoka and Waanchari clans. By August 22, 10 persons reportedly had been killed and 4,000 had fled across the border to Kenya.

In 2000 21 persons were beaten to death and 50 were injured during a clash between a group of ethnic Sonje and Maasai in the Mererani region. All of the incidents appeared to be economically motivated.

Section 6 Worker Rights

a. The Right of Association

Both the Constitution and the Trade Union Ordinance provide for freedom of association for workers, and the Government respected this right in practice. Worker rights are handled separately by the Union and Zanzibar Governments. The Union Government enforces labor laws for the mainland and the Zanzibar Government enforces legislation specific to Zanzibar and Pemba islands. The labor law that applies to the mainland applies

to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential." The labor law in Zanzibar applies only to private sector workers.

Overall, only approximately 5 to 7 percent of the country's 2 million wage earners are organized. Registered trade unions nominally represent 50 percent of workers in industry and government. According to the ILO, the number of workers who are unionized declined because workers no longer believed that unions could be agents for change. Union membership declined during the year primarily due to the growth in the informal sector and the general feeling that unions remain ineffective. Seeking to bolster unions' effectiveness, the Trade Union Congress of Tanzania was established in 2000. All workers, including those classified broadly as essential service workers, are permitted to join unions, but essential workers are not permitted to strike.

In 2000 the Trade Union Act abolished the umbrella organization, the Tanzania Federation of Trade Unions (TFTU), and required its 11 independent unions to register separately with the Registrar of Trade Unions. The act permitted workers to form unions voluntarily without requiring membership in an umbrella organization. All of the 11 unions had registered by the end of 2000. There were a total of 14 unions operating in the country by year's end, including the teacher's union, which was the largest and most active union, as well as health workers' unions, and other job-specific groups.

The Registrar of Trade Unions has the power to restrict freedom of association by allowing the Registrar to interfere with union activities. The law permits the imposition of large fines, imprisonment, or both for failing to register a trade union. The Registrar also is permitted to deregister the smaller of two trade unions when more than one exists in an industry and to order the smaller union to remove members. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

There are no laws prohibiting retribution against legal strikers; however, workers have the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which receives direction from the Ministry of Labor and Youth Development. If a union is not satisfied with the decision of the Industrial Court, it then may conduct a legal strike. The mediation and conciliation procedures can prolong a dispute by months without resolving it. In 2000 the ILO submitted to the Union Government a list of recommended changes to the law to bring into conformity with ILO standards, but the Government had not taken action by year's end. Frustrated workers have staged impromptu, illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court. The last major strike took place in 1998. The regional ILO office continued to call upon the Government to ratify the other core conventions. In 2000 the Government launched a Task Force on Labor Policy and Labor Law Reform, which is scheduled to complete its research in early 2002 and present its findings to Parliament.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law but does not apply to the public sector. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment have reduced such employees to approximately 5 percent of the work force.

With the abolition of the TFTU (see Section 6.a.), unions directly negotiate with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registration if they do not conform with the Government's economic policy. The ILO has observed that these provisions are not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. None of the newly registered unions concluded new collective bargaining agreements by the end of the year.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities are required under the law to reinstate workers. The Warioba Commission, in its White Paper Report, found that bribes often determine whether a worker dismissed from his job actually is reinstated. The labor law in Zanzibar does not protect trade union members from antiunion discrimination.

There are no export processing zones (EPZ's) on the mainland, but there are three in Zanzibar. Working conditions are comparable to those in other areas. Labor law protections apply to EPZ workers.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, there were reports that it occurred, particularly by children. In some rural areas, villagers still are obligated to work in the village community gardens or on small construction projects such as repairing roads.

The Constitution does not prohibit specifically forced or bonded child labor, and there continued to be reports that it occurred. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. There also were reports that children were trafficked to work in mines, commercial agriculture, as domestic laborers, and in other businesses. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas, and the Government enforces this prohibition; however, the provision does not apply to children working on family farms or herding domestic livestock. Child labor continued to be a problem. The ILO estimated that 3.4 million out of 12.1 million children in the country who are under the age of 18 work on a regular basis, and that 1 out of every 3 children in rural areas is economically active as compared with 1 in 10 in urban areas. The minimum age for work of a contractual nature in approved occupations is set at 15 years. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development is responsible for enforcement; however, the number of inspectors is inadequate to monitor conditions. The effectiveness of government enforcement reportedly has declined further with increased privatization.

Approximately 3,000 to 5,000 children engage in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally receive lower wages than their adult counterparts, although they may be in comparable jobs. Work on sisal and tobacco plantations is particularly hazardous and detrimental to children. Between 1,500 and 3,000 children work in unregulated gemstone mines. Girls often are employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assist their parents in unregulated piecework manufacturing. Children are engaged in labor in the areas of mining, domestic service, fishing, commercial agriculture, and prostitution (see Section 5).

Several government ministries, including the Ministry of Labor and Youth Development, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government is working with NGO's to establish a specific prohibition against child labor. In 1999 the Government drafted a National Child Labor Elimination policy designed to bring national law into compliance with international conventions, and in December 1999, the Government invited labor organizations and NGO's to comment on the draft law. The Government has worked with the ILO's International Program on the Elimination of Child Labor to develop a national plan of action to address the issue, and in 2000 implemented a program for the elimination of child labor.

The Government ratified ILO Convention 182 on the worst forms of child labor during the year.

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e. Acceptable Conditions of Work

There is a legal minimum wage for employment in the formal sector. The legal minimum wage is approximately \$38 (30,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate is not always sufficient to provide a decent standard of living for a worker and family, and workers must depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, are paid less.

There is no standard legal work week; however, a 5-day, 40-hour work week is in effect for government workers. Most private employers retain a 6-day, 44- to 48-hour work week. In general women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. An Occupational Health and Safety Factory Inspection System, set up with the assistance of the ILO, is managed by the Ministry of Labor and Social Welfare and Youth Development; however, its effectiveness is limited. Labor standards are not enforced in the informal sector.

The Employment Services Promotion Act provides for the creation of a facility to promote employment by creating self-employment opportunities, allows the Government to collect reliable data and information on vacancies for the unemployed, and facilitates employment with other agencies and private sector. The facility, the Labor Exchange Center, opened in August to match the skills, experience, education, and other qualifications of job seekers in Dar es Salaam with job qualification requirements of employers.

Union officials have claimed that enforcement of labor standards is effective in the formal sector, but no verification studies have been performed. Workers may sue an employer through their union if their working conditions do not comply with the Ministry of Labor's health and environmental standards. Workers who have lodged and won such complaints have not faced retribution; however, workers do not have the right to remove themselves from dangerous situations without jeopardizing their employment.

f. Trafficking in Persons

The law does not prohibit trafficking, and there continued to be reports that children were trafficked away from their families to work in mines, commercial agriculture, as domestic laborers, and in other business entities. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income.

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents may have allowed the children to be taken with the belief that they would work on plantations (see Section 2.d.).